

UNITED STATES DISTRICT COURT

for the

Southern District of California

United States of America

v.

RUBEN DARIO CASTRO PEREZ (2)

Case No: 10cr3044-WQH-2

USM No: _____

Date of Original Judgment: 01/10/2014

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of _____ months **is reduced to** _____.

(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

Defendant was sentenced to 262 months in the custody of the Bureau of Prisons for conspiracy to conduct enterprise affairs through a pattern of racketeering activity in violation of 18 U.S.C. § 1962(d). Defendant now moves for a reduced sentence under 18 U.S.C. § 3582(c)(2) as a result of the U.S. Sentencing Commission's amendments to USSG § 4C1.1, known as the "zero-point offender" provision. (ECF No. 2629.) However, Defendant does not qualify for a reduction under § 4C1.1(a)(4) and § 4C1.1(a)(10) because Defendant admitted in his plea agreement and the Court found at sentencing that the offense resulted in multiple deaths and he received an aggravating role enhancement under § 3B1.1. (See ECF No. 793 at 4-7; ECF No. 1120 at 8-10, 17-19.) Even if the Court had the discretion to grant Defendant's motion, the Court would decline to reduce Defendant's sentence because, although Defendant had no prior criminal history and has taken educational classes in custody, the Court finds that the need for the sentence to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense under 18 U.S.C. § 3553(a) continues to support the sentence imposed. The 262-month custodial sentence is sufficient but not greater than necessary to comply with the purposes set forth in § 3553. The Motion for Reduction in Sentence is denied. (ECF No. 2629.)

Except as otherwise provided, all provisions of the judgment dated 01/10/2014 shall remain in effect.

IT IS SO ORDERED.

Order Date: 1/23/25


Judge's signature

Effective Date: _____

(if different from order date)

Hon. William Q. Hayes, U.S. District Judge

Printed name and title